

**REMARKS**

Applicants submit this Amendment in response to the Office Action dated July 14, 2003. Claims 1-51 have been examined. Claims 5, 11, 21, 27, 28, 37, 40, and 49 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. Claims 1, 3-9, 11-17, 19-25, 27-28, 30-33, 35-40, 42-45, and 47-51 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,905,730 ("Yang") in view of U.S. Patent No. 5,991,295 ("Tout"). The remaining claims 2, 10, 18, 26, 29, 34, 41, and 46 were rejected as obvious over Yang in view of Tout and further in view of U.S. Patent No. 5,831,971 ("Bonomi").

Applicants' representative conducted interviews on December 4, 2003, and December 10, 2003, with the Examiner. Applicants appreciate the Examiner's helpful comments during the interviews. The parties primarily discussed the application of Yang to claim 1 and agreed that the amendments to the claims as proposed overcome the cited references (Interview Summary, Paper No. 14). However, the Examiner indicated that the amendments as proposed may constitute new matter. Applicants submit that the foregoing amendments render the claims patentable. This response is submitted pursuant to the interviews with the Examiner.

## **APPLICANTS' RESPONSE**

### **Section 112 Rejection, First Paragraph—Claims 5, 11, 21, 27, 28, 37, 40, and 49**

Applicants amended claims 5 and 21 to correct the minor informalities indicated by the Office Action. Because Applicants cancel claims 11, 27, 28, 37, 40, and 49, the rejection of these claims is now moot. Accordingly, Applicants submit that all claims now meet the requirements of §112 and respectfully request that the Section 112, first paragraph, rejection of claims 5 and 21 be withdrawn.

### **Section 103 Rejection—Claims 1, 3-9, 11-17, 19-25, 27-28, 30-33, 35-40, 42-45, and 47-51**

In an effort to expedite prosecution, Applicants herein amend independent claims 1, 12, 15, and 17 to clarify the features of the present invention without introducing new matter. In particular, the proposed amendments are specifically supported by the description of a first back-off interval and a second back-off interval that is based on the first back-off interval when a collision occurs, which is found on page 13, line 20, through, page 15, line 15, of the specification and FIG. 4. Moreover, because Applicants cancel independent claims 9, 25, 28, 33, 40, and 45, the rejection of these canceled claims is now moot.

The remaining claims 2-9, 13, and 18-23 depend from independent claims 1, 12, and 17, respectively, they are patentable for at least the reasons set forth above with regard to their corresponding independent claims. Nevertheless, Applicants reserve the right to present further arguments in the future with regard to the dependent claims in the event that the independent claims are found to be unpatentable. Accordingly, for all these reasons, Applicants respectfully

request that the Examiner enter the proposed amendments, and withdraw the Section 103(a) rejection of claims 1, 3-7, 12, 13, 15, and 19-23.

**Section 103 Rejection— Claims 2, 10, 18, 26, 29, 34, 41, and 46**

Because Applicants cancel claims 10, 26, 29, 34, 41, and 46, the rejection of these claims are now moot. However, Applicants submit that remaining claims 2 and 18 are patentable over the references of record for at least the same reasons as those given above with respect to their independent claims 1 and 17. Applicants again reserve the right to present further arguments in the future with regard to the dependent claims in the event that the independent claims are found to be unpatentable. Accordingly, Applicants request that the Section 103 rejection be withdrawn and that claims 2 and 18 be allowed.

In re Appln. of VAIDYA et al.  
Application No. 09/415,901

### CONCLUSION

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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